## Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of	)	
JOSEPH K. LEWIS	)	
Licensee of Amateur Service Station N1LNV	)	

## ORDER PROPOSING MODIFICATION

Adopted: July 6, 2007 Released: July 9, 2007

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

- 1. *Introduction*. For the reasons set forth below, we propose to modify the operator privileges of Joseph K. Lewis (Lewis), licensee of Amateur Radio Service Station N1LNV. Specifically, we propose to modify Lewis's operator license to show Technician Class operator privileges.
- 2. *Background*. On April 10, 2007, the W5YI Volunteer Examiner Coordinator (W5YI VEC) sent an electronic data file to the Commission requesting that Lewis's operator license for amateur Station N1LNV be modified to upgrade from Technician Class to General Class amateur radio operator privileges.<sup>1</sup> Based on this application, the Commission granted Lewis a General Class amateur service operator license on April 10, 2007. This license authorizes Lewis to be the control operator of an amateur station transmitting on frequency bands authorized by Section 97.301(d) of our Rules.<sup>2</sup>
- 3. By correspondence dated May 16, 2007, W5YI VEC notified the Commission that it had made a typographical error in the April 10, 2007 data file and that a licensee other than Lewis had qualified for a General Class operator license.<sup>3</sup> W5YI VEC noted that a correction was filed resulting in the other licensee receiving the operator license for which he had qualified, but that Lewis's operator privileges had not been returned to Technician Class operator privileges.<sup>4</sup> Therefore, W5YI VEC urged us to modify Lewis's license to correct the operator privileges authorized.
- 4. *Discussion*. We believe that W5YI VEC's request is most properly characterized as an informal request for Commission action under Section 1.41 of the Commission's Rules.<sup>5</sup> Based on the information now before us, it appears that W5YI VEC intended to request that we modify the operator privileges of the licensee of amateur station N1LNU. It also appears to us that the grant of General Class operator privileges to Lewis was erroneous because he did not pass the examination necessary to qualify for a General Class operator license. Rather, he appears to be currently authorized to operate with General Class operator privileges due to a typographical error made during the application process.

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<sup>&</sup>lt;sup>1</sup> See File No. 0002988078 (filed Apr. 10, 2007).

<sup>&</sup>lt;sup>2</sup> See 47 C.F.R. § 97.301(d).

<sup>&</sup>lt;sup>3</sup> Letter via e-mail dated May 16, 2007, from Ms. Tracy Lewis, W5YI-VEC Department, to Mobility Division, Wireless Telecommunications Bureau. W5YI VEC stated that it intended to modify the operator privileges of the licensee of N1LNU rather than N1LNV.

<sup>&</sup>lt;sup>4</sup> *Id*.

<sup>&</sup>lt;sup>5</sup> 47 C.F.R. § 1.41.

- 5. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.<sup>6</sup> Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.<sup>7</sup> We believe that a modification of the license for amateur station N1LNV to replace General Class operator privileges with Technician Class operator privileges is appropriate.
- 6. In accordance with Section 1.87(a) of the Commission's Rules,<sup>8</sup> we will not issue a modification order until Lewis has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Lewis must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.<sup>9</sup> If no protest is filed, Lewis will have waived his right to protest the modification and will be deemed to have consented to the modification.
- 7. Conclusion. For the reasons stated above, we conclude that the grant of General Class amateur radio operator privileges was improper. Accordingly, we propose to modify the amateur service operator license for amateur station N1LNV by replacing General Class operator privileges with Technician Class operator privileges.
- 8. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of Joseph K. Lewis for amateur service Station N1LNV BE MODIFIED by replacing General Class operator privileges with Technician Class operator privileges.
- 9. IT IS FURTHER ORDERED that this *Memorandum Opinion and Order* shall be sent by certified mail, return receipt requested, to Mr. Joseph K. Lewis, Harris Point Rd, Eastport, ME 04631.
- 10. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone Deputy Chief, Mobility Division Wireless Telecommunications Bureau

<sup>8</sup> 47 C.F.R. § 1.87(a).

<sup>&</sup>lt;sup>6</sup> 47 U.S.C. § 316(a)(1).

<sup>&</sup>lt;sup>7</sup> *Id*.

<sup>&</sup>lt;sup>9</sup> The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).